



## CERTIFICATE OF MAILING 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

November 9, 2005

Date

Shelley P.M. Fussey

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip E. Thorpe and Sophia Ran

Serial No.: 09/351,862

Filed: July 12, 1999

For: CANCER TREATMENT KITS USING

**ANTIBODIES TO** 

**AMINOPHOSPHOLIPIDS** 

Group Art Unit: 1643

Examiner: Yaen, C.

Atty. Dkt. No.: 4001.002282

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that the present Supplemental Information Disclosure Statement be entered and the document listed on the enclosed Form PTO-1449 be considered by the Examiner and made of record in the present case. The required copies are enclosed, although copies of U.S. patents are no longer required under 37 C.F.R. § 1.98(a)(2)(ii).

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

A non-Final Official Action reflecting examination on the merits has been received in the

present application. However, this Supplemental Information Disclosure Statement is being filed

prior to the mailing of a Final Official Action, notice of allowance or an Action that closes

prosecution, and is timely filed in accordance with 37 C.F.R. § 1.97(c) without a fee in light of

the following information.

In accordance with 37 C.F.R. § 1.97(e)(2), it is hereby certified that the documents listed

in the accompanying Form PTO-1449 were not cited in a communication from a foreign patent

office in a foreign counterpart to the present application. The listed documents were cited in an

Official Action on the merits in a co-pending application of one of the present inventors, U.S.

Application Serial No. 10/375,741 (Attorney Docket No. 4001.001999), apparently mailed from

the P.T.O. on August 10, 2005 (although not received until September 08, 2005), and could not

have been submitted before receipt. The present statement is being filed within three months of

the apparent mailing date of the referenced Official Action, and is thus timely.

No fees are due in connection with the filing of this Supplemental Information Disclosure

Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for

any reason, the Examiner should contact the undersigned representative to discuss deduction

from Peregrine Pharmaceuticals, Inc. Deposit Account No. 50-3493/4001.002282.

Respectfully submitted,

PEREGRINE PHARMACEUTICALS, INC.

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Date: November 9, 2005

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Form PTO-1449 (modified)  List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT				Temp. Atty. Docket No. 4001.002282			<b>Serial No.</b> 09/351,862	
				Applicant Thorpe et al.				
INF		on DISCLOSURE 51		Filing Date: July 12, 1999			<b>Group:</b> 1643	
U.		Documents Page 1	Foreign Patent Documents See Page 1		Other Art See Page 1			
			U.S. Pate	nt Doc	uments			
Exam. Init.	Ref. Des.	Document Number	Date		Name	Clas	Sub Class	Filing Date of App.
	A37	5,922,688	Jul. 13, 199	99 Hu	ing et al.	514	44	
	<u> </u>	Fo	oreign Pa	tent De	ocument	s		<u> </u>
Exam. Init.	Ref. Des.	Document Number	<b>1</b>		Country	Clas	s Sub Class	Translation Yes/No
	B15	EP 0 458 878	Sep. 4, 1996		EPO	A611	39/00	
(	Other .	Art (Including	g Author,	Title,	Date Per	tinent	Pages,	Etc.)
Exam. Init.	Ref. Des.	Citation						
	C122	Greenberg et al., "A Clinical Trial of Antioxidant Vitamins to Prevent Colorectal Adenoma," N Engl. J. Med., 331:141-147, 1994.						

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

**EXAMINER:** 

**DATE CONSIDERED:**